

a cover door and an opening in said first door, said cover door covering said opening in said first door in a closed position and exposing said opening in said first door in an open position, said cover door pivotally connected to said first door; and,

wherein at least one of said cushioning member and said first door have indicia, said at least one item and said indicia together visually indicating an illustrated theme.

REMARKS

This amendment is responsive to the outstanding Office Action, dated March 23, 2004, on the merits in the above captioned application. Claims 1, 15 and 23 are amended, claim 3 is deleted, claims 26-36 are newly added. Claims 26-33 are respectively modeled after original claims 2, 4, 5, 8, 14, 15, 16, and 19 and are made dependent from allowed claim 25. Claims 34-36 are a combination of original claim 1 and respectively allowed claims 7, 13, and 20. Claims 1-2 and 4-36 are currently pending in the application. Claims 1, 23, 25, and 34-36 are independent claims.

Submitted with this amendment is formal drawings. For consolation of figure pages some pages include more than one figure in Figure 1C bear 128 is moved from the top side of pillow 100 to the right side. In Figure 2 the dotted lines suggesting horse and cowboy 228 have been altered to generically styled figures in the interest of not utilizing any potentially protected works. No new matter is entered.

Applicant wishes to thank Examiner Conley for conducting a conference telephone interview, on May 4, 2004, with Ms. Julia Faircloth and Ms. Jeanne Elpel, Esq. (reg. 41,456). Discussed were proposed informal claims 1 and 23, and US patents 6,038,719 (Castagna), 4,824,059 (Butler) and 4,768,245 (Dutton) which are of record. Claim 1 was discussed as not

being taught by any or any combination of the references because individually or in combination the references lack a theme pillow assembly having a cavity with a floor surface and indicia illustrating a theme. Examiner Conley reiterated the first Office Action rejection, accordingly, claim 1 is amended to included the subject matter of claim 3, claim 3 indicated by as allowable in the first office action. Claim 23 was discussed as not being taught by any of the above references individually or in combination because Butler does not teach or suggest a billowing cavity sidewall. Examiner Conley agreed that such billowing was like allowed claim 3. Claim 23 is further clarified setting forth the billowing occurs when the cavity void is empty. A summary of the deficiencies of the above patents is further discussed below.

Briefly, the present invention is drawn to a cushion or pillow that has a hiding space. The hiding space is revealed by opening and closing one or more doors over the hiding space. The hiding space is a cavity within the pillow that is capable of removeably receiving an item, such as a stuffed toy. In preferred embodiments, the cavity has an opening that is generally fixed and has sidewalls which billow inward to help hold an item in place while the item is stored in the hiding space. The present invention is particularly suitable for evoking play imagination and providing entertainment for all ages, and the invention is also nice for providing a source of comfort similar to a security blanket.

In the past, play pillows may have provided pockets for toy items but they have failed to provide a hiding space as described which is concealed behind one or more doors that evokes imagination.

Now turning to the Examiner's objections in the Office Action, claim 15 is corrected. It is noted that claims 16 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Castagna, however, Form PTOL-326 indicated these claims were objected to. Applicant

addressed claims 16 and 17 as rejected since they were found in the Examiner's arguments. Also noted is claim 24 which was listed as rejected on PTOL-326 but was not found in the Examiner's rejection thus is regarded as objected to.

A. Claims 1-2, 9-11, and 15-17 were rejected under 35 U.S.C. 102(b) as being anticipated by Castagna.

Castagna does not teach or suggest a cavity structure having a sidewall perimeter surface and a cavity floor surface. Castagna merely states, "The cavity 18 comprises additional material that contains the stuffing within the pillow and provides a pocket of a predetermined volume for concealing the phallic member 20. The phallic member 20 is preferably stitched to the cavity material, as showing in FIG. 16." See col. 4, lines 9-12. Castagna calls the additional material "a pocket." It is not clear what Castagna has contemplated absent further description. For example, Castagna's FIG. 16, which appears to be a perspective view, fails to show any delineation in cavity 18 to suggest a floor surface or even a sidewall surface. Thus, Castagna fails to show or describe a cavity having a sidewall perimeter surface *and* a floor surface and therefore it is improper to state that Castagna anticipates the present invention. In the interest of expediting this application, Applicant has amended claim 1 by adding the subject matter of claim 3 which is indicated as allowable, Applicant does not acquiesce to the rejection.

Regarding claim 11, Castagna is so unclear as to the hook and loop strip 22 and mating strip 24 that it is not be proper to say that these strips are first and second doors (Fig. 6, col. 4 lines 38-49). It appears that hook and loop strip 22 may function as a door which mates with strip 24 disposed along side of slit 16. It appears improper, given the lack of clear description, to say that both strips 22 and 24 are functioning as doors and thus it is submitted that claim 11 is respectfully not anticipated by Castagna.

Regarding claim 17, Castagna does not teach a second cavity in an outer perimeter surface. Castagna shows a side 14, but fails to teach a cavity therein. Therefore, it is respectfully submitted that claim 17 is not anticipated by Castagna.

B. Claim 23 was rejected under 35 U.S.C. 102(b) as being anticipated by Butler.

Butler does not teach a first cavity sidewall perimeter surface billowing toward the cavity's three dimensional void. Butler seemingly teaches away from sidewalls that billow toward the cavity since Butler's cavity sidewalls are planar absent a remote control device. In the presence of a remote control device Butler's cavity sidewalls stretch outward, not inward, to hold the device (see col. 1, lines 56-57, col. 3, lines 34-35, and see lines arrows in Fig. 4). Therefore, it is respectfully submitted claim 23 is not anticipated by Butler and requested that this claim be allowed. In the interest of expediting this application, not to acquiesce to the rejection, Applicant has further clarified that the cavity sidewalls of the present invention billow toward the cavity void when the void is empty.

C. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Castagna.

As above, Castagna does not teach or suggest a cavity having a cavity floor surface *and* a cavity sidewall perimeter surface as set forth in claim 1 from which claim 18 depends, therefore claim 18 is respectfully submitted as being allowable.

D. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Castagna in view of Lane.

It would not have been obvious to combine Lane with Castagna. Nowhere is it suggested in Castagna to add a radio or cassette player to the phallic novelty pillow of Castagna. While Lane teaches a pillow with a sound device (i.e., a radio or cassette player), Lane fails to teach a sound device emitting a sound that further indicates an illustrated theme of the pillow. Thus,

even if Castagna and Lane were combined the combination would not yield a pillow having a sound device that further illustrates the theme of the pillow. The deficiencies of Castagna are thus not met by Lane, and since claim 4 depends from amended claim 1, it is respectfully requested claim 4 be allowed.

E. Claims 1, 5-6, 14-15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of Dutton.

Regarding claims 1 and 14, Butler does not teach or suggest providing any kind of indicia, and also does not teach or suggest providing a shape to further illustrate a theme. Butler mentions the protective block may have other shapes but does not teach or suggest purposefully providing a theme. Moreover, there is nothing in Butler to suggest looking to Dutton to cure these deficiencies, and nothing in Dutton to suggest applying a pillow-book theme to the protective remote control holder of Butler. Since there is no motivation to combine these references, the rejection is not proper. Again, in the interest of expediting the application claim 1 has been amended with the allowable subject matter of claim 3.

F. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of Dutton and Castagna.

Castagna does not teach or suggest both a door and securing means. Castagna is so unclear as to the contemplated structure. At most it appears that hook and loop strip 22 (Fig. 6) of Castagna could be a door. Castagna does not teach two structures but rather one structure, that is, the hook and loop strip which serves as both the door and the securing means. The present claim 9 sets forth a first door *and* a securing means, two structures. Castagna fails to teach two structures thus fails to cure the deficiencies of the Butler and Dutton.

For these reasons and others, the above references individually or in combination do not teach or suggest the present invention.

In regard to US patent 6,038,719 to Castagna, Applicant discussed in the Examiner's interview that Castagna is vague on the structure of cavity 18. Castagna merely mentions "additional material that...provides a pocket" (col. 4, lines 10-11). There is no discussion of a cavity floor surface, and since the opening to the pocket is a slit the patent seems to teach away from cavity floor surface. Applicant does not acquiesce that Castagna teaches a cavity floor surface and a cavity sidewall perimeter surface. In regard to US patent 4,824,059 to Butler, Applicant discussed in the Examiner's interview that Butler does not show a cavity sidewall perimeter surface that billows toward the cavity as in respective claim 1 and claim 23. Applicant does not acquiesce that Butler teaches a cavity sidewall perimeter surface that billows toward the cavity. Applicant also does not acquiesce to other of the Examiner's rejections discussed in these Remarks but in the interest of expediting this application certain amendments have been made.

For all of the above reasons and others, none of these references individually or in combination, teach or fairly suggest the claimed invention.

Applicant respectfully submits that all pending claims, 1-2 and 4-36, are patentably distinguishable over the relied upon prior art, and that this application as a whole is in condition for allowance. Early and favorable notice to that effect is therefore respectfully requested, especially since Applicant is experiencing current commercial success of the invention. If any issues remain unresolved in the present application, the Examiner is asked in earnest to contact the undersigned Applicant at the telephone number below with any helpful suggestions.

Respectfully submitted,

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